

HOUSE No. 2293

By Mr. Casey of Winchester, petition of Paul C. Casey relative to the establishment of a system for ballistic identification of weapons. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT ESTABLISHING A SYSTEM OF BALLISTIC IDENTIFICATION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 121 of Chapter 140 of the General Laws, as
2 appearing in the 2002 Official Edition, is hereby amended, in line 1,
3 by striking out the figure “131P” and inserting in place thereof the
4 following figure:—131Q.

1 SECTION 2. Said Section 121 of said Chapter 140 of the General
2 Laws, as so appearing, is hereby amended by adding the following
3 definitions:—

4 “Ballistic sample”, a shell casing of a bullet or shot discharged
5 from a specific, identified weapon.

6 “Caliber”, the caliber of ammunition a particular weapon is
7 designed to discharge.

8 “Certificate of compliance”, a document issued by the department
9 of state police certifying that a ballistic sample has been secured
10 from a weapon by said department for entry into the ballistic identi-
11 fication database maintained by the criminal history systems board
12 and identifying the weapon by make, model, caliber, serial number
13 and weapon type in accordance with the provisions of Section 131Q.

14 “Make”, the make or brand name under which a weapon is mar-
15 keted and which is displayed on such weapon.

16 “Manufacturer”, any person, firm or corporation engaged in the
17 business of manufacturing weapons or ammunition therefor for the
18 purpose of sale or distribution.

19 “Model”, the model name or number assigned by the manufacturer and under which the weapon is marketed.

21 “Serial number”, the unique serial number assigned to the firearm by the manufacturer as required by federal law.

23 “Shell casing”, that part of ammunition capable of being used in a weapon that contains the primer and propellant powder to discharge the bullet or shot.

26 “Weapon type”, shall identify a particular weapon as either a rifle, shotgun or firearm and whether it is a large-capacity weapon.

1 SECTION 2. The first paragraph of Section 123 of said Chapter 2 140 of the General Laws, as appearing in the 2002 Official Edition, 3 is hereby amended by adding the following clause:—

4 Twenty-second, That no licensee shall sell or otherwise transfer 5 ownership of any weapon received on or after July 1, 2003 to any 6 purchaser in the Commonwealth unless such transaction or offer is 7 in compliance with the provisions of Section 131Q and regulations 8 established thereunder.

1 SECTION 3. Chapter 140 of the General Laws, as appearing in 2 the 2002 Official Edition, is hereby amended by adding the 3 following section:

4 Section 131Q. (a) Any weapon transferred or delivered to any 5 person in the Commonwealth by a manufacturer or wholesaler on or 6 after July 1, 2005 shall be accompanied by a ballistic sample dis- 7 charged from that weapon. Such ballistic sample shall be enclosed in 8 a properly marked and sealed container in accordance with rules and 9 regulations established by the executive director of the criminal his- 10 tory systems board; provided, however, that a properly marked con- 11 tainer shall identify the weapon from which its contents was 12 discharged in terms of, but not limited to, its make, model, caliber, 13 serial number, weapon type and the date on which the sample was so 14 discharged. The manufacturer shall be responsible for ensuring that a 15 ballistic sample is properly identified and packaged with each 16 weapon so transferred or delivered from which such sample was dis- 17 charged.

18 (b)(i) Any person licensed under Section 122 who receives a 19 weapon from a manufacturer or wholesaler on or after July 1, 2005 20 that is not in compliance with subsection (a) shall, within 10 days,

21 either:— (i) return the weapon to the manufacturer and notify the
22 manufacturer of the requirement to provide a ballistic sample in
23 compliance with this section and regulations established hereunder;
24 or (ii) notify the department of state police of the manufacturer's
25 noncompliance with subsection (a) and such regulations and cause
26 said department to secure a ballistic sample from such weapon in a
27 manner provided by such regulations; and, upon securing a ballistic
28 sample, the department of state police shall issue the licensee a cer-
29 tificate of compliance.

30 For the purposes of this paragraph, a weapon shall be deemed to
31 be in compliance with subsection (a) if it is accompanied by a
32 marked and sealed container in accordance with rules and regula-
33 tions established by the executive director of the criminal history
34 systems board and if, based upon inspection of the exterior of such
35 container, the licensee has no reason to presume that such container
36 does not contain a ballistic sample that matches the identifying
37 information communicated thereon.

38 (ii) Any person licensed under Section 122 who receives a
39 weapon on or after July 1, 2005 from a person other than a manufac-
40 turer, wholesaler or another person licensed under Section 122 that
41 would not be deemed to be in compliance with subsection (a) if
42 received from a manufacturer or wholesaler shall, within 10 days,
43 either:— (i) submit the weapon to the manufacturer for the purpose
44 of having it returned back to the licensee in compliance with subsec-
45 tion (a) and regulations established hereunder; or, if, and only if, the
46 manufacturer refuses to accept delivery of such weapon for said pur-
47 pose (ii) notify the department of state police of the manufacturer's
48 refusal and cause said department to secure a ballistic sample from
49 such weapon in a manner provided by such regulations; and, upon
50 securing a ballistic sample, the department of state police shall issue
51 the licensee a certificate of compliance.

52 (iii) Any person licensed under Section 122 who transfers a
53 weapon, and ownership thereof, received on or after July 1, 2005 for
54 which a ballistic sample or certificate of compliance is required to be
55 procured under the provisions of paragraph (i) or (ii) to another
56 person so licensed shall include in the container with such weapon
57 the ballistic sample received from the manufacturer or the certificate
58 of compliance issued by the department of state police. Such person
59 to whom such weapon is transferred shall retain such sample or cer-

